

# United States Senate

WASHINGTON, DC 20510-4503



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December 16, 1991

Julie Belaga, Administrator  
EPA Region I  
JFK Federal Building  
Boston, MA 02203

Dear Administrator Belaga:

I have become increasingly aware of the particular difficulties involved in locating new businesses on sites which have historically been utilized for business and industrial purposes.

As a matter of public policy, I am concerned that potential environmental liabilities may be dictating business decisions to locate in new, "green field" spaces rather than in traditional industrial areas -- regardless of whether or not an environmental hazard exists.

For instance, in Rutland, Vermont the owner of an historic industrial complex has worked closely with the previous owner and the Vermont Department of Environmental Conservation to remove hazardous materials and soils that existed on-site from past activities. He has been issued a "Closure and Post-Closure Certificate" from the State of Vermont, and a guarantee of financial commitment from the parent company. Monitoring devices, installed pursuant to the closure agreement, have apparently not detected contaminants at a level which would threaten human health or the environment. In spite of the apparent success of the remediation efforts, potential tenants have expressed an absolute refusal to operate on the site based on a knowledge that hazardous materials had been on the grounds.

It is troubling to me that the same laws which require or encourage environmental mitigation are effectively thwarting the economic success of those who would undertake the costs of such mitigation. In the Rutland example, it seems that no level of clean-up would be sufficient to quell the fears of potential tenants without corresponding assurances from regulatory agencies that the clean-up has accomplished its goals so that future liabilities for pre-existing conditions would not be imposed upon new occupants.

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Administrator Belaga  
December 16, 1991  
page two

I understand EPA's limitations, practically and legally, to grant assurances of liability limitations predicated on past and future occurrences. I am studying potential legislative changes that may improve our ability to provide continuity at existing industrial sites, and look forward to working with you on this issue.

In the meantime, I am writing to request that you review the status of one such historic site, the Howe Center in Rutland. I am aware that in a previous case, EPA Region I reviewed the scope of hazardous waste at a Poultney, Vermont site, and concluded that it "did not foresee any further involvement at this time." The owner of the Howe Center, having made considerable efforts to restore an historic industrial site, is looking for confirmation that such efforts are desirable.

Thank you for looking into this matter.

Sincerely,



James M. Jeffords

JMJ:bk

cc: EPA Adm. William Rielly  
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